

# HB3495



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3495

by Rep. Robyn Gabel

### SYNOPSIS AS INTRODUCED:

410 ILCS 625/5 new

Amends the Food Handling Regulation Enforcement Act. Requires restaurants to be aware of food allergy recalls from the U.S. Food and Drug Administration. Requires restaurants to indicate on a placard, poster, or menu that consumers with food allergies should inform a waiter or waitress of the restaurant of their allergy. Sets forth the requirements for the placard or poster or menu information.

LRB099 10568 JLK 30795 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. The General Assembly recognizes that:

5 (1) the 2013 Food Code published by the U.S. Food and Drug  
6 Administration recognizes that food allergies are a food safety  
7 issue;

8 (2) 8.5% of children aged 14 to 18 have a food allergy;

9 (3) the National Restaurant Association estimates that the  
10 restaurant industry receives 47% of the consumer's food dollar;

11 (4) the free movement of safe and wholesome food is an  
12 essential aspect of the market and contributes significantly to  
13 the health and well-being of citizens and to their social and  
14 economic interests;

15 (5) to achieve a level of health protection for consumers  
16 and to guarantee their right to information, it should be  
17 ensured that consumers are appropriately informed as regards  
18 the food they consume;

19 (6) that there has been a massive recall over the spice  
20 cumin that has been cross-contacted with peanut, one of the 8  
21 major allergens listed in the Food Allergen Labeling and  
22 Consumer Protection Act of 2004; and

23 (7) the U.S. Food and Drug Administration estimated that it  
24 affected 350,000 pounds of beef, pork, and poultry, in addition

1 to hundreds of other products containing cumin.

2 Section 5. The Food Handling Regulation Enforcement Act is  
3 amended by adding Section 5 as follows:

4 (410 ILCS 625/5 new)

5 Sec. 5. Food allergen information in restaurants.  
6 Restaurants, including Category I facilities and Category II  
7 facilities under 77 Ill. Adm. Code 750.10, must be aware of  
8 food allergy recalls. The food safety sanitation manager at a  
9 Category I facility or Category II facility must sign up for  
10 the federal Food and Drug Administration food safety recalls  
11 for notification in an electronic format, such as by text  
12 message or electronic mail, to determine if any of the major  
13 food allergens, as defined in the Food Allergy Labeling and  
14 Consumer Protection Act of 2004, are involved in a recall. The  
15 food sanitation manager is responsible for receiving the  
16 recalls, notifying the restaurant staff, and checking the  
17 establishment's supplies.

18 In addition to receiving notifications, the restaurant  
19 must put a placard, poster, or notification on its menu that  
20 customers with food allergies should notify a waiter or  
21 waitress of the restaurant if they have a food allergy. Any  
22 placard or poster shall be easily accessible, visible, and  
23 clearly legible to the consumer, with a font height of at least  
24 3/4 inch, and shall not be hidden, obscured, or detracted from

1 by any other written or pictorial matter. Any information on  
2 menus should be clearly legible to the consumer, with a font  
3 size of no less than 12 point in a non-condensed type.